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ABSTRACT

This petition documents the low tranfer rates of minority students attending California's community colleges, offers reasons for the failure of the community college transfer function, and suggests remedies to improve the transfer rate. Following an introduction to the situation in section I, section II identifies the petitioners in the case (i.e., Mexican-American Legal Defense and Educational Fund, Public Advocates, Inc., and the Sacramento Urban League) and the respondents (i.e., the Board of Governors of the California Community Colleges (CCC), Board of Trustees of the California State University and Colleges (CSUC), and Regents of the University of California (UC). Section III provides facts and statistics about the concentration of minority students in California's two-year colleges and their low transfer rates. This section also discusses reasons for the failure of the transfer function, focusing on the lack of agreement regarding course transferability, lack of adequate counseling, inadequate financial assistance, inadequate student preparation, and the special needs of minority transfer students. In addition, section III indicates that California's three institutions of higher education have violated state law. Finally, section IV offers suggestions for improving the transfer function, focusing on the provision of adequate counseling and transfer information for students, improved articulation, greater uniformity in course numbering and content, and improved preparation and services. (AYC)

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PETITION TO INCREASE MINORITY TRANSFER FROM COMMUNITY COLLEGES TO STATE FOUR YEAR SCHOOLS

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF), PUBLIC ADVOCATES, INC., AND SACRAMENTO URBAN LEAGUE

Petitioners,

v.

BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES, BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY AND COLLEGES, AND REGENTS OF THE UNIVERSITY OF CALIFORNIA

Respondents.

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I. INTRODUCTION

Minority students entering college in California are largely bound for community colleges. For the overwhelming majority of Black and Chicano community college students, that will be the end of their educational careers. Very few will ever enroll in the State Colleges; almost none will transfer to the University of California. At Los Angeles Southwest Community College, for example, only four students out of a freshman group of 810 transferred to UC. Likewise, at Fresno Community College, fourteen students from a student body of 2,119 transferred to UC; of the fourteen individuals who were able to transfer, one student was Black and two were Chicano. (Source: CPEC, Update of Community College Transfer Student Statistics, Fall 1982)

The transfer data, however dismal, fail to portray the human tolls involved. For instance, a student body president of a community college spent two years preparing to transfer to UC Berkeley in business only to be informed by her counselor that she would need an additional fifty-six units before transferring. Her counselor further suggested that she transfer to a state college instead. Opportunities flowing from a state college degree do not compare favorably with the advantages which accompany a UC degree. This is only one of the human tragedies that occurs each day as minority students learn that their community college education has lead them to a dead end.

Approximately 80% of all Chicanos and Blacks entering higher education in California attend the community colleges. [1] The percentage of minorities who transfers to the four year institutions, however, is abysmally low. In 1982, for the entire state, only 175 Blacks and 389 Chicanos transferred from community colleges to the University of California. [2] Even more disturbing is that many of the community colleges with the highest concentration of minority students are the ones with the lowest number of transfers. For example, only five Blacks transferred to the University of California from Compton College where 89% of the first-time freshmen in 1981 were Black. Similarly, only five Chicanos transferred to the University from Imperial Valley College where 65% of its freshmen were Chicanos. [3]

In stark contrast to these transfer statistics, a nationwide study reports that 75% of all community college entrants indicate as freshmen that they intend to pursue a bachelor's degree. [4] But minorities who attend two year institutions have meager chances of ever attaining baccalaureate or advanced degrees. Since the mid-1970's, the transfer rate from the California Community Colleges to the University of California has declined by 30%. Transfers also declined from the community colleges to the California State University by 10%. [5]

As the California Postsecondary Commission stated in 1981:

> "So far, there is little likelihood of the transfer function losing vitality in all Community Colleges in the 1980s. But there is growing concern about the very small number

of students transferring to the University from particular Community Colleges. In Fall 1979, thirty-nine of the seventy Community College districts had fewer than fifty students transferring to the University..." [6]

The heavy concentration of minority students in two year colleges and their inability to transfer is due to Respondents' failure to adopt and enforce policies in conformity with state law. More specifically, the transfer function is deficient for minority students because of: (1) inadequate transfer counseling; (2) a lack of agreement between Respondents as to what course work is transferable; (3) non-existent or unintelligible publications to apprise potential transfer students in the community colleges of which courses to take; (4) inadequate financial aid; (5) substandard preparation by the community colleges; and (6) admissions procedures that exclude qualified minority applicants. [7]

Studies have verified that minority and low-income students enroll in college at a much lower rate than other students, that they enroll in less prestigious schools, and that the higher educational system is perpetuating current divisions among races and economic classes. Although the causes are complex, they are due, in part, to inadequate academic preparation and lack of information on postsecondary opportunities available to students whose parents did not attend college. (Beyond High School Graduation: Who Goes to College?; A Report on a University of California Survey of the High School Class of '75). It

is axiomatic that the economic gulf between minorities and non-minorities is widening as technological advances make today's baccalaureate degree the equivalent of a high school degree twenty years ago.

By this administrative action, Petitioners seek the development and implementation of a joint policy by each of the three segments of higher education in California to alleviate the concentration of Black and Chicano students (hereinafter minority students) in California's two year community colleges and to insure the adoption of specific measures aimed at increasing the population of minority students transferring from two year colleges to the University of California and the California State University.

II. PARTIES

A. PETITIONERS

1. Petitioner MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF) is a nationwide organization specializing in civil rights litigation on behalf of Hispanics. MALDEF is particularly concerned with the access of Hispanics into higher education, and, in that capacity, seeks to ensure meaningful and viable modes of articulation between public two year and four year higher education institutions in California.

2. Petitioner PUBLIC ADVOCATES, INC., is a non-profit San Francisco based public interest law firm, concentrating on issues of primary concern to working people, racial and

ethnic minorities, the elderly, children, women, and other disadvantaged groups. The firm has represented over 100 organizations in the areas of education, health, consumer issues and employment.

3. Petitioner SACRAMENTO URBAN LEAGUE is a branch of the National Urban League which has offices throughout the United States and focuses on civil rights, job development and training of minority youth.

B. RESPONDENTS

1. Respondent REGENTS OF THE UNIVERSITY OF CALIFORNIA has the powers and duties of administering the public trust of the University of California (hereafter UC) as delineated by Article 9, Section 9 of the California Constitution. UC is a private corporation, consisting of nine campuses, with the power to sue and be sued. It is one of the three segments of public higher education in California.

2. Respondent BOARD OF TRUSTEES OF CALIFORNIA STATE UNIVERSITY AND COLLEGES has the powers and duties of management and control of the state colleges (hereafter CSUC). CSUC is a statewide system of 19 campuses, with its principal office in Long Beach, California. It is one of the three segments of public higher education in California.

3. Respondent BOARD OF GOVERNORS OF THE CALIFORNIA COMMUNITY COLLEGES has the powers and duties of management and control of the state community colleges system (hereafter CCC). CCC is a statewide system of 107 college

districts. It is one of the three segments of public higher education in California.

III. STATEMENT OF FACTS

A. Concentration of Minority Students in California's Two Year Colleges.

From 1975 and 1981, between 260,000 and 290,000 students graduated from California high schools. White students in 1981 constituted 68.8% of all high school graduates, with Blacks and Chicanos totalling 8.2% and 15.7% respectively. In 1981, 10.1% of all public high school graduates enrolled as first-time freshmen at the community colleges were Black, while only 4.8% and 7.5% of the total first-time freshman enrollment for that same year at UC and CSUC, respectively, were Black. Likewise, Hispanics constituted 16.7% of all first-time freshmen from California high schools enrolled at the community colleges in 1981, but only 6% and 10.6% of first-time freshman at UC and CSUC. (Source: CPEC)

For minority students, community colleges are the gatekeepers to higher education. They are the institutions responsible for introducing large numbers of minority students to a college education. As stated above, more than 80% of all minority students who attend postsecondary institutions in California enter the community colleges, and three-fourths of the community college students

nationally have indicated a desire to earn at least a baccalaureate degree. Minority students, however, are transferring from CCCs to UC and CSUC at extremely low rates.

B. Low Transfer Rates

Dramatic differences in transfer percentages may be seen if data for minority students are contrasted with those for their white counterparts. While first-time minority students comprise 26.8% of the student population at CCCs, they averaged only six percent of the transfers to UC and 7.4% of the transfers to CSUC in 1981. Their white counterparts, however, comprise 65.5% of the student population, yet constituted 75.5% of the transfers to UC and 71.2% of the transfers to CSUC for the same year. Thus, white students transferred at a rate proportionately larger than their first-time enrollment. In contrast, only half of the minority students who entered the CCCs actually transferred to four year institutions. [8]

In 1982, out of a total of 5,137 students who transferred from the community colleges to UC, only 3.8% were Black and only 8.3% were Chicano. This means that for the entire state of California, fewer than 600 minority students transferred from CCCs to UC. Although the Commission for Postsecondary Education reported a slight percentage increase in minority transfers between 1980 and 1982, [9] Blacks decreased in actual numbers of transfers during those

years from 198 to 195. Chicanos decreased slightly in the number of transfers from 396 students in 1980 to 387 students in 1981. However, in 1982, the number of Chicano transfers increased by 39 students -- an augment of .2%. Despite slight numerical increases or decreases in transfers by minority community college students to UC, their numbers are so small as to be de minimus.

The figures for minority transfers to CSUC, though slightly higher than for transfers to UC, remain unimpressive. In 1982, out of nearly 30,000 students who transferred to state colleges, fewer than 2,000 were Black and fewer than 3,000 were Chicano. Furthermore, the actual number of Black students who transferred decreased by more than one hundred from 1981 to 1982. The percentage of Hispanic students who transferred also declined from 10% of the transferring population in 1981 to 9.1% in 1982. These percentages represent a total decrease of more than 300 students over a span of three years. [10] These data are shown below.

ETHNIC DISTRIBUTION OF COMMUNITY COLLEGE TRANSFER STUDENTS

Table I: Transfers to U.C.

Year	Total Transfers	American Indian	Asian	Filipino	Black	Chicano	White	% Unknown
1980	5,356	1.1%	9.6%	1.1%	3.7%	7.4%	77.1%	10.0%
1981	4,778	1.0%	10.2%	1.2%	4.0%	8.1%	75.5%	9.9%
1982	5,137	0.7%	11.1%	1.3%	3.8%	8.3%	74.8%	3.6%

Table II: Transfers to C.S.U.C.

Year	Total Transfers	American Indian	Asian	Filipino	Black	Chicano	White	% Unknown
1980	30,527	1.5%	6.1%	1.2%	6.1%	10.0%	75.1%	37.2%
1981	30,026	5.6%	7.1%	1.3%	6.4%	8.4%	71.2%	16.3%
1982	29,824	1.4%	8.5%	1.4%	5.9%	9.1%	73.7%	5.6%

Even more alarming are the data revealing that some of the community colleges with the highest concentration of minority students are transferring those students at extremely low rates. For 1982, the following community colleges enrolled a high percentage of Black students and transferred very few Blacks to UC: Los Angeles Southwest Community College, with a Black student population of 97.7% out of 810 freshmen students, transferred only four Blacks to UC; Compton Community College, with a Black student population of 89% out of almost 2,000 students, transferred

only five Blacks to UC; and, only nineteen Blacks transferred to UC in 1982 from the four Peralta District Colleges where 26% of the first-time freshmen enrollment of 1,800 was Black.

The same may be shown for Chicano students who transferred from the Community Colleges to UC. In 1982, the following schools displayed dismal transfer records for Chicano students: Imperial Valley Community College, where 65% of its 600 student population was Chicano, transferred only five Chicanos; Rio Hondo Community College, where 48% of its 1,300 student population was Chicano, transferred only six Chicanos; and Southwestern, where 38% of its 1,100 student population was Chicano, transferred only four Chicanos. [11]

Although the figures are slightly higher, the data for minority students transferring to the CSUC system reflect a similar pattern of poor transfer rates for minority students.

Thus, it may be readily seen that community colleges which constitute the primary source of postsecondary education for minorities and which, as will be discussed below, are mandated by state law to provide a transfer function for their students, have become dead-end institutions for the educational aspirations and hopes of California's minority students.

C. Reasons for the Failure in the Transfer Function

The reasons for the failure in the transfer function are multiple. A 1979 report by the three systems of postsecondary education enumerated a list of problem areas that plague transfer students.[12] These included: inadequate communication regarding existing admissions requirements for transfers; inadequate orientation for transfers; unsatisfactory communication of regulations, procedural changes and other information needed by counselors/advisors of transfer students; and complex admissions and registration procedures which frustrate many potential transfer students. Some of the more egregious deficiencies which affect minority transfer students most acutely are highlighted below.

1. Lack of Agreement Regarding Course Transferability

One reason for the failure of transfer between the two year colleges and four year institutions in California is the lack of agreement among the systems as to what courses are transferable. There is a gross lack of uniformity in both course content and course numbering among the 107 community colleges. Consequently, in the case of UC, course equivalency agreements are arranged on an individual campus by campus basis as to each particular community college course. Agreements are based on course description, available reading lists and past experience with the community college in question. Since the list of transferable

courses invariably differs with each UC campus and each community college, there are no master lists of transferable courses. At best, individual community colleges have formulated transfer lists that detail which of their courses are transferable to surrounding UC campuses. [13]

With respect to the CSUC system, the CSUC campuses have entered into articulation* agreements with the community colleges accepting as transferable certain courses that the system, as a whole, has deemed to fulfill transfer requirements. Individual departments and schools within a CSUC campus, however, may impose additional requirements for distinct CSUC majors and refuse to recognize community college courses as fulfilling those requirements.

Each of the nine UC campuses and each CSUC campus sets its own admissions criteria. This practice, combined with the broad autonomy that the 107 community colleges have in designing both course content and corresponding course numbers, forces transfer students to obtain a course-by-course, school-by-school evaluation as to the transferability of each community college course. Some courses may be acceptable for transfer as general breadth courses at UC campuses, or general education courses at CSUC, only.

* Articulation, as used in this petition, refers to a systematic and united program of course offerings by the three segments of higher education in California with particular attention given to identifying and coordinating transferable courses.

Others may transfer toward fulfilling major requirements, and others are not transferable at all and meet community college requirements solely.

To further compound the problem, students may be denied admission to certain "impacted" departments at specific campuses. Individual campuses designate programs as "impacted" when the number of applicants far exceeds the number of students who can be accepted. Impacted departments set more stringent requirements for transfer students demanding higher grade point averages and requiring that specific courses be taken prior to transfer. If the required community college course is not offered or is not accepted as a transferable credit to the four year institution, the transfer application is usually turned down.

Predictably, impacted departments are most commonly those programs which have the best success in creating job opportunities after graduation. The most common examples are engineering, computer science, business administration and nursing. By making admission to these programs very difficult for transfer students, the four year institutions effectively keep many community college students out of promising job markets.

Impaction may even prevent students from transferring at all. Some campuses reject transfer applications altogether if the student does not gain entry into the program he or she requested. Thus, a student may qualify for transfer to a non-impacted program on campus, but may be

denied entry because of the elevated requirements for admission to impacted programs. At California Polytechnic State University all programs are designated "impacted" at present. A student may, then, fulfill all required courses with the prescribed grade point average as listed in the catalogue and still be precluded from transferring.

Thus, in lieu of uniformity in transferable courses between the three segments, students must rely on individual articulation agreements between specific community colleges and four year schools. Where these exist, they generally are between community colleges and four year schools in close geographical proximity to each other. More importantly, the agreements are voluntary rather than mandatory, and there is no enforcement mechanism if a four year school chooses to dishonor an existing articulation agreement with respect to a particular course.

In short, a student wishing to transfer must ascertain about each community college course taken: 1) if it is transferable at all; 2) if it is transferable as a general education requirement or will apply to the intended major; and 3) to which specific UC or CSUC campus it will transfer. The entire process resembles a maze through which few students are able to negotiate their way successfully.

2. Lack of Adequate Counseling

The maze outlined above is unacceptable in any system designed to further educational opportunity rather than hamper it. But the present system is particularly

disastrous in light of the dearth of transfer counselors available to guide a student through the transfer process.

Part of the failure of the transfer mechanism in California is directly attributable to the lack of adequate transfer counseling in the CCCs. At some colleges there is no mandatory career or transfer counseling, nor are students identified as potential transferees. At other schools, there is a voluntary self-identification process, but it all too often breaks down because students lack guidance about their potential to complete a four-year degree. Even where transfer counseling is mandatory at community colleges, those colleges often lack counselors sufficiently trained in the intricacies of transfer in California.

An informal survey of the counseling practices at ten California Community Colleges revealed that not one school provided an office or counselor who specialized in counseling potential transfer students.[14] Further, the range of services that these CCCs did provide varied extensively. The following are ways in which students could find out about the transfer function at the schools surveyed. Five schools held orientation meetings for new students at which time the transfer function was discussed. The time allotted for discussion of the transfer function varied from school to school, but in most cases was at least one-half hour. Only two schools required attendance at these orientation sessions. Three schools sponsored periodic workshops to inform students of the transfer process. These sessions

sometimes included representatives from four year institutions. Four schools had their counselors visit classrooms to inform students of their services. Only one school reported that its visits were systematic.

Most described their transfer counseling activity as sporadic. Only one school required twenty-minute counseling sessions with new students. Finally, four schools reported that student transferees were not identified as potential transferees until they were ready to transfer. In other words, the only way that the student found out about the possibility of transfer was through his or her own initiative.

Thus, based on this limited survey one may conclude that counseling is haphazard and primarily aimed at serving those students who have the initiative and sophistication to seek out the services. One summary indicated that:

> "While a majority of community colleges have one or another mechanism in place to identify students' educational goals, only a very small minority utilize those mechanisms systematically to provide assistance or information for students with differing aspirations. Indeed a majority of colleges operate on the (at least implicit) policy that it is the student's responsibility to initiate use of the several advisory services that exist at most campuses." [15]

Given the random and haphazard nature of the counseling programs offered by CCCs, it is not surprising that few minority students ever receive the support services they need to assist them in transferring.

3. Inadequate Financial Assistance

The availability of financial aid to potential transfer students is crucial in making transfer a viable option for most minorities. For Hispanics, for example, the most often cited reason for withdrawing from postsecondary institutions is financial difficulty. [16] Lack of financial security remains a barrier for minority students who wish to attend college.

In addition, the lack of sufficient information and counseling places many minority transfer students at a distinct disadvantage in terms of securing the financial assistance necessary for them to transfer. For example, SAT scores are a prerequisite for financial aid evaluation. Commonly, students attempting to transfer from the CCCs do not learn of this requirement until their attempts to transfer and obtain financial aid have failed. This occurs because students do not need SAT scores to enter community colleges nor do they necessarily need them to transfer, if they have maintained a certain grade point average in specific courses. Unless counseled, it is probable that students would be unaware of the SAT requirement for financial aid.

Also, some potential transfer students find out that they have been accepted to UC or CSUC much later than non-transfer students, and after much of the grant or scholarship money has been disbursed. This leaves transfer

students with more loans and work-study monies in their financial aid packages than scholarships.

A recent report suggested that the type of financial aid received has an affect on the student's achievement. The effect of grants and scholarships are generally positive but the effect of loans are mixed. Moreover, for minority transfer students the composition of the financial package is especially important because minority students often begin college with heavy financial responsibilities.[17]

4. Inadequate Preparation

Finally, a major problem in facilitating transfer between the two and four year schools in California rests with the inadequate preparation that students receive at some CCCs and the lack of academic support for transferees in the four year institutions. At present, it appears that the caliber of some community colleges is such that it does not prepare students for vigorous academic work. The net effect is that many students either cannot meet transfer requirements at all or perform in a substandard fashion once they have transferred.[18]

UC and CSUC have reacted to the problem of retention by blaming the CCCs for ill preparing transfer students. If any criticism is mounted, however, it should rest with all three systems of higher education. While the training provided by the CCCs may, in fact, be found wanting, the senior institutions share the responsibility of providing needed supportive services to their incoming transfer

students. Historically, however, the four year institutions have shown slight interest in assisting transfer students by ensuring that they receive adequate orientation, tutoring, and other needed services. [19]

5. The Special Needs of Minority Transfer Students

The students most burdened by the complexity of the transfer process are those students who are least familiar with postsecondary education. A high percentage of these students are minorities who are often first generation college attendees. These "first generation" students are the most dependent upon counseling services to guide them through the transfer process successfully. Yet, data show that counselors are often ill-equipped to deal with them because the counselors themselves are unfamiliar with minority students' needs. Without adequate counseling few minority students can successfully negotiate their way through the complex transfer system.

D. California's Three Institutions of Higher Education Have Violated State Law by Disregarding the Transfer Policies Set Forth in the Master Plan and Donahoe Act

California's Master Plan and the Donahoe Education Act originally grew out of a concern in the late 1950's over the projected enrollment increases from the post-World War II baby boom and the need for postsecondary institutions to accommodate them. Additionally, there was concern about increasing competition between local districts for state colleges in their own areas, as well as competition between state colleges and the University over doctoral programs.

Some state colleges, too, were offering community college courses. This was expensive for the state since it was funded on a statewide basis, rather than by local district taxes. Finally, an augmented system of community colleges was viewed as a proving ground for students who had not achieved at a high level in high school.

The Master Plan and the California Education Code expressly mandate a transfer function from the two-year institution to the four-year state university. The Donahoe Higher Education Act of 1960, §66000 et seq. of the California Education Code provides, in part, for: structuring of higher education in California into a tripartite system with the University of California, the state colleges and the community colleges; assigning specific functions to each of the three segments; and requiring that there be coordination between the three. [20]

Pursuant to the Master Plan, UC was to select first-time freshmen from the top one-eighth (upper 12 1/2%) of all graduates of California public high schools. The CSUC, which was created by the Master Plan, was to select first-time freshmen from the top one-third (33 1/3%) of California high school graduates. [21]

The Master Plan also recommended that some of the high school graduates who had been eligible for entry to the University of California prior to 1960 be diverted to the CCCs. This rechanneling was adopted because before 1960,

over one-half of all high school graduates were eligible for admission to UC or CSUC.

The policy of diverting students from the four year institutions to the Community Colleges, as established by the Master Plan and approved by UC, made it incumbent on all three segments to provide for transfer mechanisms. Thus, while the CCCs were to maintain an "open door" admissions policy to accommodate the increase in student enrollment in higher education, the Master Plan also recommended that there be an orderly transfer of students from two to four year schools. Indeed, the Master Plan explicitly stated that: "The admission of transfer students is especially important in California's tripartite system, because over half of all lower division instruction within the state -- including private institutions -- is done by junior colleges." [22] Since the theory underlying the Master Plan was that high school graduates admitted to a CCC would not have their opportunities for higher education diminished as long as they could transfer to the upper divisions in the state colleges and University of California, the Plan recommended several specific actions to ensure transfer. First, the Master Plan provided that a high school graduate who initially enrolled in the two year CCC have the same opportunity to continue towards a bachelor's degree as a student who began studies at a four year public campus. [23]

Second, to facilitate this latter policy, the Master Plan recommended that four year schools establish their

undergraduate enrollment in such a way as to ensure available places for transfer students willing and able to attend four year institutions. The Plan recommended that the lower division population be limited to a ceiling of forty percent of total undergraduate enrollment. This ceiling would provide sixty percent of the available slots for upper division students, thus guaranteeing adequate places available in the junior/senior years for transfer students from the community colleges.

Third, the Master Plan recommended that the California Postsecondary Education Commission (CPEC) undertake a study of transfer procedures to UC and CSUC. This study was requested due to a finding by the Master Plan Survey Team that some tightening of transfer requirements was necessary to ensure a quality four-year education. Other specific Master Plan recommendations dealt with special admissions limitations, minimal units required for transfer, and general admissions criteria.

The first recommendation, that a California high school graduate who enrolled in a community college have an equal chance to continue toward a bachelor's degree, was enacted into state law pursuant to the Donahoe Higher Education Act, §66201 of the California Education Code. In addition to §66201, §66202 of the Code delineates categories for enrollment planning and admissions priorities. This second section provides that transfers from California public

community colleges receive second priority, with first priority accorded to recently released veterans.

Thus, it is the express policy in California to provide a place for every student to continue his or her educational aspirations, once enrolled in the California system, "as long and as far as such capacity and motivation, as indicated by his academic performance and commitment to educational advancement will lead him to meet academic standards and institutional requirements". [24]

E. California Higher Education Segments Are Operating in Violation of the Master Plan and Relevant Code Provisions.

The policies issued by the Master Plan and designed to ensure an efficient transfer process, have, for the most part, been disregarded by the three institutions of higher learning.

The recommended enrollment of forty: sixty percent lower to upper division at UC to accommodate the influx from the two year colleges has been ignored. In 1969, the Coordinating Council on Higher Education issued a report expressing concern regarding the implementation of the Master Plan. While CSUCs complied with the recommended ratio, UC has made no noticeable movement toward achieving it. There is no evidence that UC is now complying with that ratio or intends to. Although the policy of giving CCC transfer students priority over other students to attend CSUC and/or UC remains a statutory requirement, UC has again failed to abide by it. The current freshman-sophomore to

junior-senior ratio at UC is 47: 53 percent out of a total undergraduate enrollment of 98,000 students. (Source: UC Office of Admissions and Outreach Services)

In fact, UC, CSUC and the community colleges function in derogation of the California Codes and Master Plan as a segregated system which perpetuates unequal educational opportunities. Respondents control fund disbursements, set admission criteria for transfer, allocate financial aid, fund counseling positions, proportion upper to lower level ratios in the four year institutions, refuse to coordinate transfer policies, and refrain from publishing and disseminating intelligible transfer guides. UC and CSUC have further acted to limit Chicano and Black enrollment by declining to fill the full number of special admission placements available each year; this decision results in another method of tracking minorities into two year colleges. All of these policies and acts are implemented in disregard of the segregated effect that such policies preserve and even guarantee. As data establish, the effect of Respondents' acts has been to diminish Black and Chicano participation in education in California as students proceed from primary to more advanced studies. [25]

As students move from high schools to higher educational institutions, the representation of minority students drops sharply, especially at the four year schools of the UC and CSUC systems. At UC, in 1981, white public high school graduates made up 70.9% of first-time freshmen, while

Chicanos constituted only 6% and Blacks 4.8% of the first-time freshmen. Of these same freshmen enrolled at CSUC, 67.2% were white, while only 10.6% and 7.5% were Chicano and Black respectively. At the community colleges, however, 16.7% of first-time freshmen were Chicano and 10.1% were Black. (Source: CPEC). This pipeline is shown in Table II. Thus, the percentage of Chicanos entering the community college system is roughly proportionate to the Hispanic population of graduating high school seniors, while the composition of the entering classes at UC and CSUC is disproportionately skewed against Hispanics and Blacks and in favor of white students.

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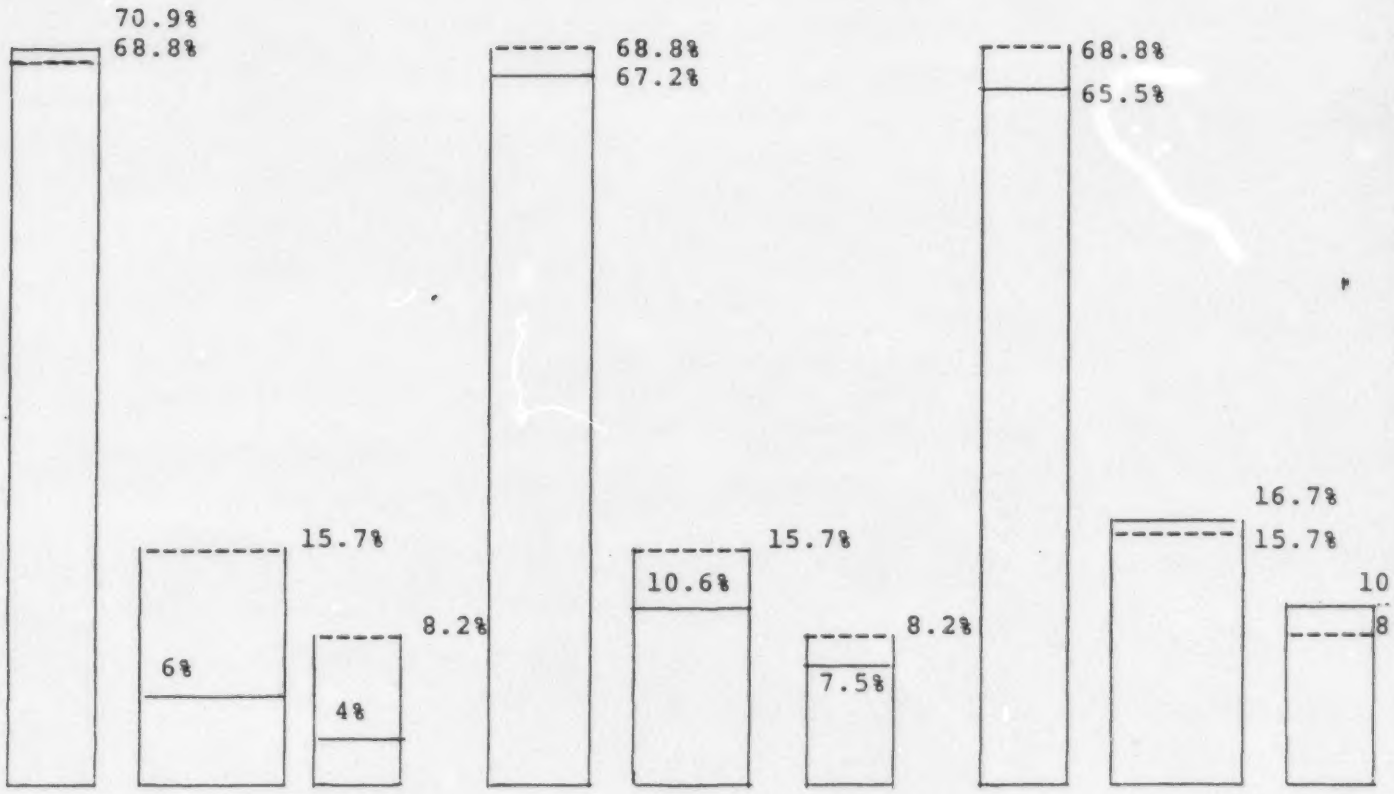
PERCENT OF WHITE, CHICANO AND BLACK STUDENTS GRADUATING FROM HIGH SCHOOL AND ENTERING UC, CSUC AND CCC IN 1981.



_____% Entering four-year institutions

---------% Graduating from high school

Source: Los Angeles Times, August 1, 1983

The failure of Respondents to ensure transfer priorities in admissions and enrollment, to maintain specified upper to lower division ratios that permit transfer, and their refusal to institute workable transfer policies and agreements attest to their willful disregard of administrative and legal mandates to guarantee transfer. This refusal to encourage transfer has resulted in a decline of nearly forty percent in transfers from the two year colleges to UC since 1937, and the trend appears unabated with particularly pernicious results to minority students within the state. [26]

Finally, the lack of transfer within the state and the utter failure of the transfer mechanism represents an inefficient and wasteful expenditure of state funds that must be curbed. Countless students spend extra and unnecessary years in the California postsecondary system. Courses are duplicated, years wasted and still many students never become eligible for transfer because they cannot negotiate their way through the California transfer morass. Taxpayers subsidize this waste and inefficiency.

In light of the gravity of the transfer problem, Petitioners propose the following remedies:

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IV. REMEDIES TO IMPROVE TRANSFER

1. Mandate that upon enrolling all incoming community college freshmen consult with counselors trained in transfer and career counseling, as well as all aspects of financial aid planning.

2. Mandate complete disclosure of transfer information at the community colleges as a requisite for continued accreditation. Such disclosure would include, but not be limited to: clear information on "general education" and "general breadth" requirements, and the distinctions between the two; information on transfer requirements to all UC and CSUC campuses, not merely those in close proximity to a specific community college; information about the different requirements a transfer student must meet: general campus requisites, departmental requirements and major subject prerequisites; development of master transfer program lists which include all, not selected, majors; and information in each community college catalogue about where to seek additional transfer information. (See Appendix A for an example of the transfer guide prepared by the State University of New York at Albany).

3. Establish a mandatory transfer system between the community colleges and four year

schools upon a student's satisfactory compliance with transfer requirements, as disclosed above in paragraph two. Articulation agreements would become mandatory rather than voluntary.

4. Establish a transfer center at each community college where students will be able to obtain transfer and financial aid information in addition to that set out in the catalogues.

5. Establish a mandatory system whereby potential transfer students may have their transcripts and credentials evaluated for articulation prior to the actual transfer and on a periodic basis, as necessary.

6. Ensure uniformity in course numbering among community colleges. Such uniformity could be enhanced by coordinated course numbering systems whereby courses in the 100 series would not be transferable to four year segments, those in the 200 series would transfer to the CSUC system, and those in the 300 series would be acceptable at UC. Courses transferable to UC and CSUC, for example, could carry two course numbers.

7. Ensure greater uniformity in course content among community college based on systematic academic performance standards.

8. Strengthen academic preparation of community college students for transfer.

9. Identify the 25 community colleges with the highest percentages of Black and Chicano students and target specific remedial transfer programs toward those colleges.

10. Establish a Board to oversee increasing transfer from the community colleges to UC and CSUC. The Board will contain representatives from Petitioner and Respondent groups.

FOOTNOTES

1. Missions and Functions of the California Community Colleges, California Postsecondary Education Commission, Report 81-14, May 1981.

2. Update of Community College Transfer Statistics, California Postsecondary Education Commission, Report 83-11, Fall 1982.

3. Ibid, p.11.

4. A.W. Astin, M.R. King, and G.T. Richardson, "The American Freshman: National Norms for Fall 1980" (Los Angeles, UCLA, 1980).

5. From Junior Colleges to Community Colleges: The effect on four year institutions, May 1981.

6. Mission and Functions of the California Community Colleges, May 1981.

7. MALDEF employed a law clerk to review the community college catalogues from the 107 campuses in the state. His conclusion was that they were very difficult to

understand. Among a host of problems, the catalogues did not clarify the distinction between "general education", "general breadth" and general education requirements at the community college; catalogues also failed to specify between general admissions criteria and major area prerequisites at different UC and CSUC campuses. Where information on courses necessary for certain majors at UC or CSUC are listed, other important majors, such as Economics or English, are omitted, and applicants are not referred to another source for assistance. Indeed, the catalogues appear to lead students into a veritable Alice in Wonderland realm.

8. California College Going Rate and Community College Transfer 1981 Update, California Postsecondary Education Commission, December 1982.

9. Update of Community College Transfer Statistics, Fall 1982, p.9.

10. Ibid.

11. The overall severity of the transfer problem is graphically illustrated by a study released by the Chancellor's office in 1981. It states: "Each year, more students transfer from UC to CCC than the reverse (10,200 to 5,600 in 1979-80). While the number of "reverse transfers" from CSUC to Community Colleges is substantial (27,300 in 1979-80), it is less than the number who transfer from CCCs to CSUC (946,300 in 1979-80). Source: Chancellor's Office, California Community Colleges Transfer Students, July 1981, p.3. One can only assume that any reverse transfer phenomenon would also have a disparate effect on minority student populations.

12. "Increasing the Rate and Retention of Community College Transfers from Underrepresented Groups," A report to the California Legislature prepared cooperatively by the California Community Colleges, California State University and Colleges and the University of California, April 1979.

13. Orange Coast Community College provides one such an example.

14. The community colleges surveyed by Public Advocates included: American River, Cabrillo, Diablo Valley, Fresno Center, Fullerton, Laney, Los Angeles City, Los Angeles Pierce, Saddleback and San Diego Mesa. The selection was not quite random; six were chosen because they represented major sources of transfer students (Diablo Valley, Pierce, American River, Fresno, San

Diego Mesa, and Fullerton). Two (Laney and L.A. City were chosen because they transfer relatively few students given the size of their enrollments, and two were chosen because their transfer rate has been increasing (Saddleback and Cabrillo).

15. "Identifying and Assisting Potential Transfer Students: A Summary of a Report on Policies and Practices in California Community Colleges," Board of Governors of the California Community Colleges, Sept. 16-17, 1982, at 12.

16. Brown, N., Hill, A., Olivas, M., Rosen, S., "The Condition of Education for Hispanic Americans," National Center for Education Statistics, pp.184.

17. "Final Report of the Commission on the Higher Education of Minorities," Higher Education Research Institute, Inc., (Los Angeles, 1982) p. 31.

18. Kissler, Gerald, "Report on the Task Group on Retention and Transfer," The University of California (June 1980).

19. Humphrey, Denise, "The Deteriorating Transfer Function of California Community Colleges: Its Impact on Hispanic Access to Higher Education," Report sponsored by MALDEF.

20. In 1959, the California Legislature requested that the Liaison Committee of the University of California and the State Board of Education prepare a California Master Plan for Higher Education. This request, formally incorporated into Assembly Concurrent Resolution No. 88, established a Master Plan Survey Team which recommended policy changes and reorganization of California's higher education system. These recommendations were unanimously approved in principle by both the Regents of the University of California and the State Board of Education,which, prior to 1960, had regulatory authority over the four year state colleges and the two year community colleges. The most significant provisions of the Master Plan were enacted into legislation pursuant to the Donahoe Education Act of 1960.

21. There were several reasons for limiting admission eligibility to the University of California and California State College systems. As reported by the Master Plan Survey Team, burgeoning student enrollment was placing greater demands on California public higher education. Moreover, policy makers wished to make formal distinction between the community colleges and four year institutions.

22. Master Plan at p. 71.

23. Ibid. at 72.

24. California Education Code, Donahoe Higher Education Act, Section 66201.

25. In 1981-82, there were 4,046,156 students enrolled in grades K-12 in public schools, Of that number, 399,171 (9.9%) were Black and 1,045,186 (25.8%) were of Mexican American descent. From 1975 and 1981, between 260,000 and 290,000 students graduated from California high schools each year. In 1981, white students comprised 68.8% of all high school graduates, with Hispanics totalling 15.7% and Blacks 8.2%. (Source: CPEC).

26. It must be emphasized that the decrease in transfer in two to four year schools has occurred within an atmosphere of continual growth in all three segments; the University of California undergraduate student body has increased from 36,000 in 1961 to the present 98,000, and has experienced an addition of one new campus to the system. The CSUC system, which was enacted into law pursuant to Education code Section 89000 et seq., has grown from eighteen campuses in 1960 to nineteen at present. Its enrollment has increased from 95,000 (70,000 full-time equivalents) to a current enrollment of 315,000 (236,000 full-time equivalents). Although the primary function of the CSUC system is undergraduate education, a sizeable proportion of its students are graduate students seeking Master's degrees. Despite the considerable growth in both the UC and CSUC systems since 1960, the community colleges are the segment that has experienced the most dramatic increase in students since inception of the Master Plan. Since 1960, student enrollment there has grown from 305,000 to nearly 1,200,000. Of this figure, approximately twenty-six percent are full-time students carrying a course-load of more than twelve units.

Dated: September 13, 1983

Respectfully submitted,

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